



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:
Class _____ Subclass _____

PRIOR APPLICATION

Application No.: 09/275,578
Examiner: Bernatz, K.
Art Unit: 1773

#14

BOX CPA
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**CONTINUED PROSECUTION APPLICATION (CPA) TRANSMITTAL (Formerly FWC)
(C.F.R. 1.53(d))**

WARNING: This form cannot be used where the parent case may not be abandoned because the filing of a request under the CPA procedure is a request to expressly abandon the prior application as of the filing date of the request for an application under [37 C.F.R. 1.53(d)]. " 37 C.F.R. 1.53(d)(2)(v).

WARNING: Filing under 37 C.F.R. 1.53(d) is permitted only if filed by the same or less than all the inventors named in the prior application. 37 C.F.R. 1.53(d).

CERTIFICATION UNDER 37 CFR 1.10

RECEIVED

OCT 12 2001

TC 1700

I certify that, on the date shown below, these documents are being deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, as "Express Mail Post Office to Addressee," Mailing Label No. EL846162783US

Date October 5, 2001

Signature

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission-on date for this correspondence. Facsimile procedures of 37 C.F.R. 1.6 apply to receive a receipt date.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Cor. 24, 1996, 60 Fed. Reg. 56,439, at 56, 442.

WARNING: No copy of the prior application or new specification is required. "Any new specification filed with the request for an application under [1.53(d)] will not be considered part of the original application papers, but will be treated as a substitute specification in accordance with Sec. 1.125." 37 C.F.R. 1.53(d)(5).

WARNING: Continued Prosecution Application procedure filings can only be based on a prior complete application as defined by § 1.51(b), and not a prior complete provisional application as defined by § 1.51(c).

X This is a request for a filing under the continued prosecution application procedure (37 C.F.R. 1.53(d)), for a

X continuation

— divisional

— continuing application to permit consideration of an information disclosure statement under 37 C.F.R. 1.97.

NOTE: See 37 C.F.R. 153(d)(2) for definition of filing date. The prior nonprovisional application under 37 C.F.R. 1.53(d) must be complete as defined in 37 C.F.R. 1.53(d)(1)(i).

PARTICULARS OF PRIOR NONPROVISIONAL APPLICATION

WARNING: Continued Prosecution Application filings can only be based on a prior complete application as defined by § 1.51(b) or 35 U.S.C. 371, and not a prior complete provisional application as defined by § 1.51(c). 37 C.F.R. 1.53(d).

A. Application No.: **09/275,578**, filed **March 24, 1999**.

B. Title (as originally filed) **MAGNETIC RECORDING MEDIUM AND MAGNETIC RECORDING DISK DEVICE** (and as last amended) **N/A**.

C. Name of applicant(s) (as originally filed) **Masayoshi Shinohara, Knejo Sato, Yuki Yoshida, IWAOKamamoto, Yasuji Ikeda, Kiyoshi Yamaguchi** (and as last amended) **N/A**.

D. The current mailing address of applicant(s) is: **Fujitsu Limited, 1-1 Kamikodanaka 4-chome, Nakahara-ku, Kawasaki, Kanagawa 211-8588 Japan**.

E. Please use all the contents of the prior application including the drawings, as the basic papers for the new application. It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. 1.53(d) application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

1. Inventorship statement

NOTE: An application filed under [1.53(d)] may be filed by fewer than all the inventors named in the prior application, provided that the request for an application under [1.53(d)] when filed is accompanied by a statement requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed in the new application. No person may be named as an inventor in an application filed under this paragraph who was not named as an inventor in the prior application on the date the application under this paragraph was filed, except by way of a petitioner under § 1.48. 37 C.F.R. 1.53(d)(4).

X This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

X the same.

— less than those named in the prior application. It is request that the following inventor(s) identified above for the prior application be deleted:

— not the same. A 37 C.F.R. 1.48 petition to correct inventorship is also submitted.

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2. Identification of Amendment Being Filed, Claims for Further Prosecution, and for Fee Change

WARNING: "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP § 706.07(b).

☒ The claims for further prosecution and the fees to be charged are to be based on the number of claims remaining as a result of the:

☐ attached preliminary amendment.

☒ the unentered amendment filed under 37 C.F.R. 1.116 in the prior application, which is now repeated.

☐ the claims as on file in the prior application.

3. Fee Calculation (37 C.F.R. 1.16)

NOTE: The filing fee for a continued prosecution application is based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under 37 C.F.R. 1.53(d) and entry of any amendments under 37 C.F.R. 1.116 unentered in the prior application which is request to be entered in this CPA application. 37 C.F.R. 1.53(d)(3).

CLAIMS FOR FEE CALCULATION				
Number Filed	Number Extra	Rate	Basic Fee under 37 C.F.R. 1.16(a)	
			\$740.00	
Total Claims (37 C.F.R. 1.116(c))	12 - 20 =	x	\$ 18.00	0
Independent Claims (37 C.F.R. 1.16(b))	2 - 3 =	x	\$ 84.00	0
Multiple dependent claim(s), if any (37 C.F.R. 1.16(d))	+		\$280.00	0

The fee for extra claims is not being paid at this time.

Filing fee Calculation

\$ 740.00

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. 1.16(m).

4. Small Entity Statement

☐ A statement that this is a filing by a small entity is attached.

WARNING: "Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121 or 365(c) of a prior application may rely on a verified statement filed in the prior application if the nonprovisional application includes a reference to a verified statement in the prior application or includes a copy of the verified statement filed in the prior application if status as a small entity is still proper and desired." 37 C.F.R. § 1.28(a).

(complete the following, if applicable)

— Status as a small entity was claimed in prior application no. ^{AAA} filed on
, from which benefit is being claimed for this application under:

35 U.S.C. — 120,
— 121,
— 365(c),

and which status as a small entity is still proper and desired.

— A copy of the verified statement in the prior application is included.

Reduced filing fee calculation (50% of above) \$

NOTE: See 37 C.F.R. 1.28(a).

Any excess of the full fee paid will be refunded if a statement and a refund request are filed within 2 months of the date of timely payment of a full fee then the excess fee paid will be refunded on request. 37 C.F.R. 1.28(a).

5. Fee Payment Being Made at This Time

Not attached

— No filing fee is submitted.

(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)

Attached

☒ filing fee

\$740.00

☐ recording assignment
(\$40.00; 37 C.F.R. 1.21(h)).

\$

☐ petition fee for filing by other than all the
inventors or person not the inventor where
inventor refused to sign or cannot be reached
(\$130.00; 37 C.F.R. 1.47 and 1.17(i)).

\$

☐ processing and retention fee
(\$130.00; 37 C.F.R. 1.53(f) and 1.21(l)).

\$

NOTE: 37 C.F.R. 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 C.F.R. 1.53(f) and this, as well as the changes to 37 C.F.R. 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be timely paid or the processing and retention fee in § 1.21(l) must be paid within 1 year from the notification under § 1.53(f).

Total fees enclosed \$740.00

6. Method of Payment of Fees

☒ Attached is check in the amount of \$ 740.00.

— Charge Account No. _____ in the amount
of \$ _____ (A duplicate of this request is attached.)

7. Authorization to Charge Additional Fees

WARNING: If no fee payment is made at this time, this item should not be completed.

WARNING: Accurately count claim, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

The Commission is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. **07-2069**.

X 37. C.F.R. 1.16(a), (f) or (g) (filing fees)

X 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

X 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

X 37 C.F.R. 1.17 (application processing fees)

X If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely and does not separately accompany this transmittal, Applicant(s) hereby petition(s) under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.

— A separate request accompanies this application authorizing the Office to treat each reply as incorporating a petition to extend time. 37 C.F.R. 1.136(a)(3).

8. **Priority--35 U.S.C. 119(a)-(d)**

X Priority of Application No. **10-145935**, filed on **May 27, 1998**, in **Japan** is claimed under 35 U.S.C. 119:

X The certified copy was filed on **March 24, 1999** in prior U.S. application Serial No. **09/275,578**, which prior application was filed on March 24, 1999.

— Certified copy will follow.

9. **Relate Back 35 U.S.C. 119(e) For Prior Provisional Applications**

NOTE: The request for a continued prosecution application under 37 C.F.R. 1.53(d) is the specific reference required by 35 U.S.C. 120 to the prior application. The identification of an application by application number under [37 C.F.R. 1.78(a)(2)] is the specific reference required by 35 U.S.C. 120 to every application assigned that application number. Cross-references to other related applications may be made when appropriate. (See § 1.14(a)). 37 C.F.R. § 1.78(a)(2).

NOTE: "Any nonprovisional application claiming the benefit of one or more prior filed copending provisional applications must contain or be amended to contain in the first sentence of the specification following the title a reference to each such prior provisional application, identifying it as a provisional application, and including the provisional application number (consisting of series code and serial number)." 37 C.F.R. § 1.78(a)(4).

WARNING: While this application under 37 C.F.R. § 1.53(d) cannot be a continued prosecution application of a provisional application, the nonprovisional application giving rise to this CPA filing could claim the benefit of a provisional application.

— Amend the specification by inserting, before the first line, the sentence:

"This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S)::

FILING DATE

10. Assignment

X The prior application is assigned of record to: **Fujitsu Limited, 1-1 Kamikodanaka 4-chome, Nakahara-ku, Kawasaki, Kanagawa 211-8588 Japan.**

— An assignment of the invention to
is attached. A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT)
ACCOMPANYING NEW PATENT APPLICATION or FORM PTO 1595 is also
attached.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

11. Power of Attorney

The power of attorney in the prior application is to

Patrick G. Burns

29,367

Attorney

Reg. No.

- X The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on
- A new power has been executed and is attached.
- Associate Power of Attorney is attached.
- A copy of the Associate Power to ^^^^ is enclosed. The original Associate Power was filed in the parent application.
- X Address all future communication to:

Name
Address

Patrick G. Burns, Esq.
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive
Suite 2500
Chicago, IL 60606

Reg. No. 29,367

Phone No. 312.360.0080

12. Maintenance of Copendency of Prior Application

(this item must be completed and the necessary papers filed in the prior application, if the period set in the prior application has run)

X A petition, fee and response accompanies this application to extend the term in the pending prior application until **October 12, 2001.**

13. Conditional Petitions for Extension of Time in Prior Application

*(complete this item and file conditional petition in prior application,
if previous item is not applicable)*

☐ A conditional petition for extension of time is being filed in the pending prior application.

NOTE: *The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continued prosecution application. Notice of Nov. 5, 1985 (1060 O.G. 27).*

☐ A copy of the conditional petition for extension of time in the prior application is attached.

14. Abandonment of Prior Application


☒ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

NOTE: *According to the Notice of May 13, 1983 (103 TMOG 6-7), the filing of a [continued prosecution application] is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.*

15. Information Disclosure Statement

☐ Submitted herewith is an Information Disclosure Statement.

☒ Please enter and consider all references in the parent and prior applications, for this continued prosecution application.


SIGNATURE OF PRACTITIONER

Reg. No. 29,367

Greer, Burns & Crain, Ltd.

Tel. No.: 312.360.0080

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P.O. Address

Chicago, Illinois 60606